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8 Cindy and Timothy Abshire,
9 Alan and Monica Butts,
10 Nomadness Corporation, and the
11 Mammoth Lakes Business Coalition

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT CALIFORNIA**

11 Case No. 2:21-CV-00198-JAM-KJN

12 CINDY ABSHIRE, TIMOTHY
13 ABSHIRE, ALAN BUTTS,
14 MONICA BUTTS; NOMADNESS
15 CORPORATION, a California
16 corporation; and THE MAMMOTH
17 LAKES BUSINESS COALITION,
18 an unincorporated membership
19 association;

20 *plaintiffs,*

21 v.

22 GAVIN NEWSOM, in his capacity
23 as Governor of the State of
24 California; XAVIER BACCERA,
25 in his capacity as California
26 Attorney General; MARK GHALY,
27 in his capacity as the Health and
28 Human Services Director for the
State of California; TOMAS
ARAGON, in his capacities as
Director of the California State
Department of Health and as State
Public Health Officer for the State
of California; JENNIFER KREITZ,
in her capacity as the Chair of the
Board of Supervisors of Mono
County, California; RHONDA
DUGGAN in her capacity as a
Member of the Board of
Supervisors of Mono County,

**STIPULATION AND ORDER TO
CONTINUE MOTION HEARING
DATES**

1 California; BOB GARDNER in his
2 capacity as a Member of the Board
3 of Supervisors of Mono County,
4 California; JOHN PETERS, in his
5 capacity as a Member of the Board
6 of Supervisors of Mono County,
7 California; STACY CORLESS, in
8 her capacity as a Member of the
9 Board of Supervisors of Mono
10 County, California; THOMAS
11 BOO, in his capacities as Public
12 Health officer for Mono County and
13 the Town of Mammoth Lakes,
14 California; ROB PATTERSON, in
15 his capacity as a Finance Director
16 of the Town of Mammoth Lakes,
17 California; BEN MANNING in his
18 capacity as a Revenue Specialist of
19 the Town of Mammoth Lakes,
20 California; KIM GETCHELL in her
21 capacity as a Revenue Specialist of
22 the Town of Mammoth Lakes,
23 California; JENNA DUNCAN in
24 her capacity as a Revenue Specialist
25 of the Town of Mammoth Lakes,
26 California; DANIEL HOLLER in
27 his capacity as Town Manager of
28 the Town of Mammoth Lakes;
BILL SAUSER in his capacity as a
Mayor of the Town of Mammoth
Lakes, California; LYNDAL
SALCIDO in her capacity as a
Mayor Pro Tem of the Town of
Mammoth Lakes, California; JOHN
WENTWORTH in his capacity as a
Member of the Town Council of the
Town of Mammoth Lakes,
California; KIRK STAPP in his
capacity as a Member of the Town
Council of the Town of Mammoth
Lakes, California; SARAH REA in
her capacity as a Member of the
Town Council of the town of
Mammoth Lakes, California; and
DOES 1-10 inclusive,

defendants.

STIPULATION

WHEREAS, Defendants have filed the following Motions in response to the Complaint in this matter:

- a. Gavin Newsom, Matthew Rodriguez, Mark Ghaly, and Tomás Aragón have filed a Motion for Dismissal Pursuant to Rule 12(b)(6);
- b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and Thomas Boo have filed a Motion for Dismissal Pursuant to Rule 12(b)(6); and
- c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea have filed a Motion for Dismissal Pursuant to Rule 12(b)(6);

WHEREAS, each of the foregoing Motions is currently scheduled to be heard on May 18, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor, before the Honorable John A. Mendez;

WHEREAS, the parties have agreed to continue the hearings on the Defendants' Motion;

NOW THEREFORE, the parties, through undersigned counsel, hereby stipulate as follows:

1. The hearing dates on the following Motions may be continued to June 8, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor:
 - a. Gavin Newsom, Matthew Rodriguez, Mark Ghaly, and Tomás Aragón's Motion for Dismissal Pursuant to Rule 12(b)(6);
 - b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and Thomas Boo's Motion for Dismissal Pursuant to Rule 12(b)(6); and
 - c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea's Motion for Dismissal Pursuant to Rule 12(b)(6);
2. Plaintiff's Opposition to the Motions shall be filed and served by May 18, 2021.
3. Defendants' Replies in support of Motions shall be filed and served by June 1, 2021.

1 4. Except as so stipulated, the Motions that are the subject of this stipulation shall
2 go forward as previously noticed.

3 BAILEY AND ROMERO

4
5 /s/ Steven C. Bailey

6 Steven C. Bailey
7 Attorneys for Plaintiffs Cindy and Timothy Abshire,
8 Alan and Monica Butts, Nomadness Corporation, and the
9 Mammoth Lakes Business Coalition

10 MATTHEW RODRIQUIEZ
11 Acting Attorney General of California

12 /s/ Matthew Rodriquez (as authorized on 4/26/21)
13 Assistant Attorney General
14 Attorneys for Gavin Newsom, Matthew Rodriquez,
15 Mark Ghaly, and Tomás Aragón (in their official
16 capacities)

17 SELMAN BREITMAN LLP

18 /s/ Danielle K. Lewis (as authorized 4/23/21)
19 Attorney for Defendants Jennifer Krietz, Rhonda
20 Duggan, Bob Gardner, John Peters, Stacy Corless, and
21 Thomas Boo

22 MEYERS NAVE

23 /s/Deborah J. Fox (as authorized 4/23/21)
24 Deborah J. Fox
25 Attorneys for Defendants, Daniel Holler, Rob
26 Patterson, Ben Manning, Kim Getchell, Jenna Duncan,
27 Bill Sauser, Lynda Salcido, John Wentworth, Kirk
28 Strapp, and Sarah Rea

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ORDER

Pursuant to the Stipulation of the parties, it is hereby ORDERED,

The hearings for the following Motions, which are currently scheduled for hearings on May 18, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor, are continued to June 8, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor:

- a. Gavin Newsom, Matthew Rodriguez, Mark Ghaly, and Tomás Aragón’s Motion for Dismissal Pursuant to Rule 12(b)(6);
- b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and Thomas Boo’s Motion for Dismissal Pursuant to Rule 12(b)(6); and
- c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea’s Motion for Dismissal Pursuant to Rule 12(b)(6).

Plaintiff’s Opposition to the Motions shall be filed and served by May 18, 2021. Defendants’ Replies in support of Motions shall be due on June 1, 2021. The Motions shall otherwise go forward as previously noticed.

DATED: April 29, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE